1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 JASPER F. WILSON, No. 2:15-cv-1481 MCE AC P 12 Plaintiff, 13 **ORDER** v. 14 JEFFREY A. BEARD, et al., 15 Defendants. 16 17 Plaintiff, a state prisoner proceeding pro se and in forma pauperis, has filed this civil 18 rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States 19 Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. 20 On October 24, 2018, the magistrate judge issued findings and recommendations herein 21 which were served on all parties and which contained notice to all parties that any objections to 22 the findings and recommendations were to be filed within fourteen days. See ECF No. 41. 23 Defendants have filed objections to the findings and recommendations. ECF No. 42. In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this 24 25 Court has conducted a <u>de novo</u> review of this case. Having carefully reviewed the entire file, the 26 Court finds the findings and recommendations to be supported by the record and by proper 27 analysis. /// 28 1

## Accordingly, IT IS HEREBY ORDERED that: 1. The findings and recommendations issued October 24, 2018 (ECF No. 41) are ADOPTED in full; 2. Defendants' motion to dismiss (ECF No. 20) is DENIED without prejudice to the assertion of any defenses on a motion for summary judgment. IT IS SO ORDERED. Dated: January 2, 2019 UNITED STATES DISTRICT JUDGE